

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

In the Matter of)	
)	
Revision of the Commission's Rules)	CC Docket No. 94-102
To Ensure Compatibility with)	
Enhanced 911 Emergency Calling Systems)	
)	
Non-Initialized Phones)	

SPRINT CORPORATION REPLY COMMENTS

Sprint Corporation, on behalf of its wireless division, Sprint Spectrum L.P., d/b/a Sprint PCS ("Sprint"), submits this reply to the comments filed in response to the reconsideration petition and request for stay that the Alliance for Telecommunications Industry Solutions ("ATIS") filed in response to the *Non-Initialized Phone Order*.¹

The reconsideration petition that ATIS has submitted is narrow in scope. It is limited to the issue of whether a number series other than 123-456-7890 should be used to identify 911 calls from certain non-initialized handsets. No one has petitioned the Commission to reconsider the central holding of the *Non-Initialized Phone Order* – namely, there is no factual basis to require carriers to develop a call-back capability for non-initialized handsets.

¹ See *Public Notice*, Wireless Telecommunications Bureau Seeks Comment on Petition for Reconsideration Regarding the Commission's Rules on Non-Initialized Phones and on Filing of Request for Stay, CC Docket No. 94-102, DA 02-1775 (July 3, 2002); *Revision of the Commission's Rules to Ensure Compatibility with Enhanced 911 Emergency Calling Systems*, CC Docket No. 94-102, *Report and Order*, FCC 02-120 (April 29, 2002) ("*Non-Initialized Phone Order*").

The Commission recently released a second public notice concerning the ATIS reconsideration petition. See *Public Notice*, Petitions for Reconsideration of Action in Rulemaking Procedures, Report No. 2569 (Aug. 13, 2002). This second public notice will likely generate some confusion, and Commission clarification would be welcome.

I. CERTAIN MISCONCEPTIONS REQUIRE CLARIFICATION

The comments suggest that some parties may not understand fully the capabilities of the ATIS proposal, and these misconceptions require clarification.

CTIA states that implementation of the digit series proposed in the reconsideration petition (911 followed by the last seven digits of the handset's electronic serial number) will enable PSAPs to "prevent the misuse of the 9-1-1 system due to repeated harassing calls made by unsubscribed wireless phones."² This is not accurate. This proceeding involves 911 calls originated from "non-initialized" handsets, meaning that the callers and their handset are not registered with the wireless carrier. As long as the handsets are working, a CMRS carrier has no means to block 911 calls from some non-initialized handsets (*e.g.*, those that have made harassing calls in the past) while forwarding 911 calls from other non-initialized handsets.

Intrado supports implementation of the Annex C solution because, it believes, this arrangement would constitute a "comprehensive solution for situations when a mobile station does not have a valid call-back number."³ This Intrado belief is not accurate. Only one of Sprint PCS' switch vendors has developed an Annex C feature with its Phase II switch generic software; Sprint is still attempting to determine whether its other major vendor has included the functionality in its Phase II generic software.⁴ But, as Sprint pointed out in its comments, Annex C is an informational supplement to the Phase II E911 standard and is not included with any Phase I standard.⁵ Accordingly, the Annex C feature is not available with most Phase I installations.⁶

² CTIA Comments at 3.

³ Intrado Comments at 2.

⁴ See Sprint Comments at 5.

⁵ See *id.*

⁶ See *id.*

II. THERE IS NO BASIS FOR SHIFTING THE COMPLIANCE BURDEN FROM THE SOURCE OF THE PROBLEM TO CARRIERS

The 911 call back/non-initialized identification problem is caused by 911 calls originated from non-initialized handsets. Remote MDx (formerly SecureAlert) manufactures and sells (presumably profitably) 911-only handsets that use the analog (AMPS) air interface.⁷ These handsets are not service-initialized with a wireless carrier. The Commission adopted the “123-456-7890” digit series as the solution for non-initialized call identification because Remote MDx’s predecessor had recommended this solution.⁸

It would appear to be a relative straightforward matter for Remote MDx to reprogram its 911-only handsets to any new digit series that the Commission may adopt (*e.g.*, 911 followed by the last seven digits of an ESN). It is certainly not unfair to impose the compliance burden on Remote MDx and companies who sell these products, especially since the companies charge a significant price for this limited-functionality handset.⁹ Nevertheless, rather than implement the simple step of reprogramming its handsets, Remote MDx wants to shift the compliance burden – for a problem that it creates – to wireless carriers by requiring that wireless carriers implement a network solution.

Remote MDx has not advanced any reason in law or policy why carriers should develop a solution to a problem that Remote MDx helps to create. Sprint further demonstrated in its comments that there is no factual basis to impose such a requirement on carriers. The Commission

⁷ The Commission recently determined to sunset the requirement that cellular carriers support the AMPS interface. *See* FCC News, “FCC Streamlines Part 22 of Its Rules; Eliminates Analog Service Requirement After Five-Year Transition Period (Aug. 8, 2002).

⁸ *See Non-Initialized Phone Order* at ¶ 34.

⁹ Remote MDx sells its 911-only phones at the price of \$199.95 plus an additional \$9.95 for shipping and handling. *See* www.mobile911.com/all_about/product.asp. Sprint PCS sells several full-functionality PCS handset models for a much lower price.

should not impose a network solution on CMRS carriers that would permit other parties to shift the burden of compliance.

III. SPRINT SUPPORTS THE TEXAS 9-1-1 AGENCY RECOMMENDATION FOR A WORKSHOP

The Texas 9-1-1 Agencies ask the Commission to “establish a workshop/meeting in September to allow all interested parties to participate, discuss, and answer questions to the appropriate solution to the public safety issues related to the use of non-initialized service (“NIS”) phones.”¹⁰ This is a constructive suggestion, and Sprint supports this recommendation. As discussed in Part I above, it is important that the Commission and affected parties, including public safety agencies, understand the facts regarding what is, and is not, technically and economically feasible.

As the Commission is aware, the wireless industry took the initiative to establish a new forum, the Emergency Services Interconnection Forum (“ESIF”), whose mission is to “facilitate the identification and resolution of technical issues related to the interconnection of the telephony and emergency services network.”¹¹ The forum is open to all, and the standard industry consensus process is utilized.¹² APCO, NENA and several PSAPs (*e.g.*, Tarrant County 911 District) have been active participants in the ESIF process. ESIF Study Group B is examining the issues associated with implementation of the *Non-Initialized Phone Order*, and it was this Group that commissioned the ATIS reconsideration and stay petitions.

Sprint expects that the trade association participants advise their members of developments in these important forums. However, the comments filed by the Texas 9-1-1 Agencies suggest that some public safety organizations are interested in greater participation on this issue.

¹⁰ Texas 9-1-1 Agency Comments at 2.

¹¹ See www.atis.org/atis/esif/esifhome.htm.

¹² See Emergency Services Interconnection Forum, *Operating Guidelines*, §§ 1.2 and 1.3 (Version 2.0, July 15, 2002).

It might be suggested that the ESIF is an appropriate body to conduct the forum suggested by the Texas 9-1-1 Agencies. However, the ESIF agenda of pending E911 technical issues is extensive, and it is important that the ESIF move forward on the important, specific E911 implementation issues that have been placed before it. Sprint fears that a general "question and answer" session for interested public safety agencies would divert ESIF resources from its important mission. Sprint therefore agrees with the Texas 9-1-1 Agencies that the Commission host a question and answer forum for interested public safety agencies.

IV. CONCLUSION

For the foregoing reasons, Sprint respectfully requests that the Commission refrain from imposing a broad network solution such as mandating the adoption of Annex C, and further that the Commission establish workshops as suggested above.

Respectfully submitted,

**SPRINT CORPORATION on behalf of
SPRINT SPECTRUM L.P., d/b/a Sprint PCS**



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CERTIFICATE OF SERVICE

I, Jo-Ann Monroe, hereby certify that on this 19th day of August 2002, copies of the foregoing "Sprint Corporation Reply Comments" were served by U.S. first-class mail, postage prepaid, to the following:

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